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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,405	11/06/2001	Mikio Onodera	9281-4230	7631
757	7590	11/01/2005		EXAMINER
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			MCLOUD, RENATA D	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/992,405	ONODERA, MIKIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Renata McCloud	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 September 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3 and 6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1 and 3 is/are rejected.

7) Claim(s) 6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Levin et al (U.S. Patent 6,154,201).

***Levin et al teach:***

**Claim 1:** A manual input device comprising: a motor (70) swingably movably fitted with respect to a frame (Fig. 3A: 70; Col. 9:57- 60, the shaft is rotatable so the motor is movable with respect to end member 66; col. 13:10-29, fig. 4c, flexible shaft 92 connected to motor 70); the motor forms an actuator (col. 9:57-10:2); a manual control knob fitted to a driving shaft of the actuator (Fig. 3A: 18; Col. 2:1-5), the knob swingably manipulated (e.g. Col. 1:60-2:10, 5: 42-45); a first position sensor which detects a

direction and an amount of lateral movement of the actuator (Col. 1:66-2:1; Col. 2:30-32), the amount of lateral movement of the actuator being detected at multiple locations along the same direction (e.g. Col. 14:28-67, P1 and P2; Col. 15: 23-48, P1-P4); a second position sensor (e.g. Fig. 4C: 76) which detects a directions and an amount of rotation of the driving shaft of the actuator (Col. 1: 65-66); and a controller which inputs positional signals outputted from the first and second position sensors to control the actuator (Col. 2: 10-15) and applies an external force to the manual control knob according to the way the knob is manipulated (Col. 2: 47-50).

**Claim 3:** the driving shaft (e.g. Fig. 3A: 50) of the actuator (e.g. Fig. 3A: 70) passes through a guide groove (e.g. Fig. 3A: 52) and the guide groove (e.g. Fig. 3A 52) restricts a direction and amount of lateral movement (e.g. Col. 8:40-45).

#### ***Allowable Subject Matter***

3. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

4. Applicant's arguments filed 07 February 2005 have been fully considered but they are not persuasive. In response to applicant's argument that Levin et al do not teach a swingable actuator, applicant's disclosure does not provide a definition of "swingably". For example, Applicant's does not disclose or define in either the drawings

or specification, movement in terms of axial motion. Such terms could include "pivot", "fore and aft", "side to side", "arc" etc.... Since such description is not present, the examiner must take the definition from a dictionary. Referring Webster's New Collegiate Dictionary, a definition of "swing" is "to turn in place". Applicant's disclosure does not distinguish "swingable" from "rotated". Levin teaches an actuator (70) that turns in place. There is nothing in applicant's claim language that precludes the examiner from reading Levin et al as meeting the claimed limitation of "swingably". Also, applicant's claim language reads that the motor is movably fitted with respect to a frame. This language is broad in that Levin teaches a motor (72) that rotates with respect to a housing. The motor is fitted/placed to a housing (72) and rotates a shaft (68) with respect to the housing about an axis (col. 9:57-65). The motor has to rotate in order for the shaft to rotate, therefore, the motor is moving with respect to a housing/frame. Also, referring to alternate embodiment in Fig. 4c, there is a flexible portion (86) that allows shafts (92) and (50) to be flexible and move in transverse directions (col. 13:10-29). The shaft is connected to the motor (70) and the motor is not rigidly coupled to member (74).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (571) 272-2069. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on (571) 272-2800 ext. 4. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Renata McCloud  
Examiner  
Art Unit 2837

RDM



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SUPERVISORY PATENT EXAMINER  
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